



## **LOUISBURG PLANNING COMMISSION MEETING MINUTES WEDNESDAY MARCH 30, 2016**

The Planning Commission of the City of Louisburg, Kansas met at 7:00 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

### **ATTENDANCE:**

Commission Members:	Brandon Fosbinder, Scott Hipp, Thorvald McKiernan, Les Page Rick Phillips, and Anne Smith
City Administrator:	Nathan Law
City Council:	David Cannon
Recording Secretary:	Rusty Whitham
Visitors:	T.J. and Aimee Williams, Jon Clayton, Dr. Brian Biermann, Bart Bretsch, and Marcus Moreland

### **ITEM 1: ROLL CALL**

### **ITEM 2: ADOPTION OF THE ADGENDA:**

A motion was made by Les Page to adopt the agenda as submitted. The motion was seconded by Thorvald McKiernan. Motion passed 7-0.

### **ITEM 3: APPROVAL OF THE MINUTES:**

A motion was made by Anne Smith to approve the minutes as written from the February 24, 2016 meeting. The motion was seconded by Brandon Fosbinder and passed 6-0. Les Page abstained.

**ITEM 4: PUBLIC COMMENTS:** Persons who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only.

Mary Herrstrom asked the Planning Commission for additional information concerning the upcoming city sewer system upgrade. She wanted to know when this project will start and will any construction be done on South Rogers Road. Ms. Herrstrom explained that she is trying to sell her home at 29085 South Rogers Road and this project may negatively impact the possible sale of her property. Herrstrom stated that she had a few prospective buyers but when they learned of the sewer upgrade the buyers lost interest.

Nathan Law replied by mentioning that a new sewer main will be installed along South Rogers Road. This main will connect the North Lagoon to the new Water Treatment Plant that will be located at 29146 South Rogers Road (“The Rock”). Law confirmed that construction will be done along South Rogers Road. Law also explained that this infrastructure upgrade will begin sometime around 2018-2020. The exact date is undetermined at this time. Law finished by stating that if Ms. Herrstrom has addition concerns she’s welcome to contact City at any time and Staff will be happy assist.

### **PUBLIC HEARING BUSINESS ITEMS:**

**ITEM 5: 2016001-Z (Rezoning)** 7 South Peoria Street, West Gym, “R-1” to “C-3”. Property owner, Marcus Moorland will be present at the meeting. Parcel ID: 1093101001006020.

The Staff Report that was provided to the Planning Commission indicated that the West Gym was allowed to operate in the R-1 Zoning District as long as it was owned and operated by USD416 (Reference Section 502.B.2 of the City Zoning Regulations). Since School District sold the building to Mr. Marcus Moreland the facility can no longer operate in the R-1 Zoning District. The appropriate zoning for this property should be C-3. This zoning change is consistent with the City’s Future Land Use Plan.

The Report also mentioned that Mr. Moreland would like to use this building as an activities center that will be available for rent to anyone wishing to use it. Local non-profit organizations will be able to continue to use the facilities. The building will be called the “Wildcat Events Center”.

An activity Center such as this is an allowable use within the C-3 Zoning District (Reference Section 509.B.11 of the City Zoning Regulations: “Auditoriums and Similar Places of Public Assembly.”

After a brief open discussion with Mr. Moreland, Chairperson Andy Sauber opened this topic up for public comment. No public comment occurred.

Les Page made a motion to approve the rezoning of the property located at 7 South Peoria Street from the “R-1” Single Family Dwelling Zoning District to the “C-3” General Business Zoning District. The motion was seconded by Thorvald McKiernan and passed 7-0.

This topic and draft City Ordinance will be forwarded to the Governing Body for final consideration. This item shall be discussed at the City Council Meeting scheduled for April 18, 2016.

**ITEM 6: 2016002-Z (Rezoning) Two tracts of vacant land located on South 16<sup>th</sup> Street, consisting of 24.6 Acres, “R-1” to “A-L”. Parcel ID: 1130600000002010.**

The Staff Report that was provided to the Planning Commission indicated that the Applicants wish to rezone two tracts of land located off of 287<sup>th</sup> Street totaling 24.6 acres. This land is currently within the “R-1 Single Family Dwelling Zoning District”. This request is to reclassify the property as “A-L Agricultural Zoning District”. The owners wish to use the land for agricultural purposes by building a barn, fencing the land off and placing cattle on the property. This property is currently vacant land that is used for haying purposes.

Anne Smith asked the owners how many cattle will be placed on the property. T.J Williams replied by stating they will have 1 animal per 2.5 acres.

After a brief open discussion with T.J and Aimee Williams, Chairperson Andy Sauber opened this topic up for public comment. No public comment occurred.

Brandon Fosbinder made a motion to approve rezoning two tracts of vacant land located on South 16<sup>th</sup> Street from the “R-1” Single Family Dwelling Zoning District to the “A-L” Agricultural Zoning District. The motion was seconded by Les Page and passed 7-0.

This topic and draft City Ordinance will be forwarded to the Governing Body for final consideration. This item shall be discussed at the City Council Meeting scheduled for April 18, 2016.

**NON-PUBLIC HEARING BUSINESS**

**ITEM 7: 2016001-SP (Site-Plan) 12 East Amity, Timber Creek Restaurant. The Display of portable storage sheds for sale and or lease in the N/E portion of the parking lot. Parcel ID: 1092900000009000.**

The applicant, Scott Allen, was not present for this meeting. Also, the \$300 Site-Plan fee has not been paid. This item was tabled.

**ITEM 8: 2016002-SP (Site-Plan) The installation of a Communications Equipment Building on a vacant lot located at 706 South Metcalf Road. Parcel ID: 1093101063004000.**

Bart Bretsch representing Peoples Services LLC explained that they have entered into a lease agreement with the Lutheran Church to place a Communications Equipment Building on a vacant lot located 706 South Metcalf Road. The building will house equipment and become communications hub that will provide fiber optics service for television, internet, and telephone to the City of Louisburg.

After an extensive discussion Les Page made a motion to approve the Site-Plan with the following stipulations:

1. The Applicant shall obtain a Special Use Permit from the Planning Commission.
2. Exterior lighting will be limited to a small entrance light mounted near the access door. No light shall be directed to the sky or towards neighboring properties.

3. The property owner shall either install a sidewalk along South 8<sup>th</sup> Street or contribute to the City Sidewalk Fund in accordance with Ordinance 874. Staff has calculated that 118 feet of sidewalk is required along South 8<sup>th</sup> Street. The property owner shall be assessed a fee of \$12.50 per lineal foot of sidewalk. A total of \$1475.00 shall be contributed to the City Sidewalk Fund. This payment is in lieu of installing an actual sidewalk on the property if the land owner chooses this option. This fee shall be paid prior to the issuance of construction permits.
4. All signage shall be in accordance with Zoning Regulations. All signs shall have a permit.
5. A reasonable amount of landscaping shall be installed on the lot. The Applicant shall coordinate with City Staff to determine appropriate landscaping requirements.
6. Building shall be placed on concrete surface and anchored appropriately.
7. Mechanical noise shall be kept at a minimum so that it doesn't disturb neighbors.
8. Permits shall be required for all construction and utility hookups. All contractors shall be licensed with Miami County.
9. Building shall not be placed on easements or Right-of-Way.
10. Building shall be placed on property in accordance with setback using accessory building requirements.
11. The Applicant shall install curbing the entire length of the existing parking located to the West. This curbing shall redirect rainwater runoff flowing onto the neighboring property located at 704 South Metcalf. Rainwater shall be directed to the south toward 8<sup>th</sup> Street. This has been a source of contention for many years. Adding curbing may resolve this issue.

The existing parking lot to the west is owned by the Lutheran Church. This parking lot currently encroaches into alleyway. The Lutheran Church shall either:

- Leave the parking lot in the alleyway and add curbing to redirect rainwater runoff to the south. However, the parking lot and curbing may be removed from alleyway to facilitate future maintenance of utilities or allow access to the alley if needed. The removal of the parking lot from alleyway shall be at the owner's expense and shall not be allowed to be replaced within the alleyway.
- Remove the existing parking lot from the alleyway ensuring that the parking lot and curbing are completely on Lutheran Church property. The curbing shall direct rainwater runoff to the south. If this option is selected the parking lot shall be vacated from the alley and curbing installed prior to the issuance of construction permits.

The motion was seconded by Brandon Fosbinder and passed 7-0.

**ITEM 9: Discussion with Pastor Jon Clayton from the Faith Chapel located at 840 North Metcalf Road concerning requirements for an accessory building on their property.**

Pastor Clayton explained that he wishes to build an accessory building larger than 36' x 24' (864 Sq. Ft.) on the Faith Chapel property. Clayton stated that the Faith Chapel is within the "A-L" Agricultural Zoning District. Pastor Clayton wants to confirm the requirements to make this type of construction possible.

The Planning Commission stated that the property owner would be required to complete the following:

1. A Special Use Permit shall be required. Reference Section 602.B.5 of the Zoning Regulations.
2. A paved driveway consisting of concrete or asphalt leading to the accessory building will be needed. Reference Section 602.B.3 of the Zoning Regulations.
3. The building will be required to meet design standards. All exterior wall of the structure shall be constructed of one or more combinations of approved materials for a minimum of Seventy-five (75) percent of the total exterior building surface. Reference Section 618.F.1a of the Zoning Regulations.

Pastor Clayton expressed his frustration with the amount of requirements placed on his proposed accessory building. He suggested that he wants to build a simple metal storage building and the standards are excessive. The cost to build such an accessory building to standards would be too great. The Planning Commission provided suggestions that would make this project more affordable.

Clayton asked if he could use concrete pavers to construct his driveway. Most Planning Commissioners agreed that pavers would not be acceptable. Driveways shall be constructed using either asphalt or poured concrete. Pastor Clayton was still frustrated. No further discussion occurred. This was a discussion item and no formal action was required by the Planning Commission.

**OLD BUSINESS:** Any old business the Commission may wish to discuss.

**ITEM 10: Site-Plan Waiver/Revision - USD416 Gravel Parking lot at the Practice Soccer Field on Country Side Drive.**

The Staff Report that was provided to the Planning Commission stated that USD416 approached the Planning Commission on February 27, 2013 concerning a proposal to install a temporary gravel parking at the practice soccer field on Country Side Drive. The Planning Commission approved the gravel parking lot with the following stipulations:

1. The project must stay within the proposed size limits 75' x 300'.
2. The newly constructed parking lot must be paved with asphalt within two years.
3. USD416 is responsible for any and all American Disability Act (ADA) concerns.
4. The addition of lighting and construction of any building must have the review and approval of the Planning Commission.

The temporary gravel parking lot was installed in 2013 and never paved in accordance with the above stipulations.

Dr. Brian Biermann explained that the parking lot was installed to facilitate soccer games at the temporary soccer field off Country Side Drive. This parking lot is no longer needed because games are now played at the new soccer field adjacent to Broadmoor Elementary. Biermann stated that the installation of the parking lot was arranged prior to his arrival to Louisburg and he may have never installed the lot if he was with USD416 at the time. Dr. Biermann mentioned that removing the gravel parking lot would be an expensive endeavor. Money used to remove the gravel could be used on other projects to improve USD416 facilities. This money can help fund the construction of a new bus barn behind Rockville Elementary.

Dr. Brian Biermann provided the Planning Commission with two possible options:

1. Require USD416 to remove the gravel parking lot and replant grass. The gravel can be reused at Rockville Elementary for the construction of a new bus barn.
2. Allow USD416 to keep the gravel parking lot as is until the area is developed with additional sporting fields. Further development of this area may occur in 2022. At that time the gravel parking lot will be paved. Reference attached letter from Dr. Brian Biermann and proposed site-plans.

After an extensive discussion Les Page made the following motion:

USD416 may leave the gravel used to build the temporary parking lot in place. However, the driveway leading to the parking lot shall be moved to create a berm. This berm will be constructed so that vehicles cannot enter the area. A cable will be placed across the driveway and a “No Parking” sign will be installed. This gravel area will now be considered a Zeroscape Maintenance Area that vehicles will not be able to enter. The gravel will remain in place to facilitate future development of sporting fields. Plans are in place to convert this area into a paved parking area and at that time the gravel will be used.

The motion was seconded by Anne Smith and passed 6-1. Scott Hipp voted no to this motion.

**ITEM 11: Site-Plan Waiver/Revision - USD416 Rockville Elementary revision to the original Site-Plan that was approved on March 28, 2007. The revision will include a two bay Bus Barn with gravel parking lot and driveway.**

Dr. Biermann explained the current bus barn and property is leased by the district for \$50,000 a year. This lease ends in 2018. Biermann said the District had negotiated to purchase the existing facility but those efforts failed. The District’s next step is to construct a bus barn. The most feasible location would be at the site of Rockville Elementary, 977 North Rockville Road. This property consists of 39.5 acres and the proposed bus barn would sit on the N/E corner of the property.

Biermann presented a revised Site-Plan and asked the Planning Commission to consider the following:

- All exterior walls of the proposed two bay 60'x60' Bus Barn would be required to have one or more combinations of the approved materials for a minimum of 75% of the total exterior building surface in accordance with Section 618.F.1a of the City Zoning Regulations. This may not be cost effective for a building that will be used as a bus barn. The School District is asking for approval to build their bus barn with 25% of the total exterior building surface covered with approved materials.
- The School District is requesting that the proposed 220' x 220' parking lot and remaining unfinished driveway be temporarily constructed of gravel. This would dramatically lower the cost of the project. Dr. Biermann has agreed to pave the parking lot and driveway when phase two of elementary school is built. Phase two of the elementary school construction has no expected start date at this time.
- The School District is requesting a sewage holding tank for the proposed bus barn. The bus barn will have a single restroom for employees. This sewage holding tank will be serviced on a regular basis. Because of distance from the main sewage line, it would not be cost effective to connect a single bathroom to the city sewer. It's noted that the current Bus Barn has a sewage holding tank and is not connected to City Sewer.

After an extensive discussion Les Page made the following motion to approve the revised Rockville Elementary School Site-Plan, with the following stipulations:

1. The Bus Barn shall have one or more combinations of the approved materials for a minimum of 75% of the total exterior building surface in accordance with Section 618.F.1a of the City Zoning Regulations.
2. The 60'x60' Bus Barn shall be considered an accessory building. In accordance with Section 602.B.5 of the Zoning Regulation, A Special Use Permit shall be obtained and approved by the Planning Commission. Because USD416 is a taxing entity the \$300 Special Use Permit fee shall be waived.
3. The Bus Barn shall be connected to the City Sewer System. A sewage holding tank shall not be allowed.
4. The remaining oval driveway shall be paved with curbing as depicted in the original Site-Plan dated March 28, 2007.
5. The 220' x 220' Bus Barn parking lot shall be paved with either asphalt or concrete. Gravel shall not be allowed. The new parking lot shall not be required have curbing. The parking lot shall be graded so that all rainwater flows into nearby retention pond.
6. Exterior lighting shall be kept to a minimum. No light shall be directed to the sky or towards neighboring properties.

Anne Smith seconded the motion. The motion passed 7-0.

**ITEM 12: NEW BUSINESS:**  
None

**ITEM 13:   REPORTS**  
None

**ITEM 14:   ADJOURNMENT:**

A motion was made by Anne Smith to adjourn the meeting. Second was made by Thorvald McKiernan. The motion passed 7-0. Meeting adjourned at 9:13 p.m.

**Submitted by Rusty Whitham**